

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA**

MICROSOFT CORPORATION,)
Plaintiff,) Civil Action No. 05-1710
v.)
MARK FREDENBURG, an individual and d/b/a)
Computer Techs,)
Defendant.)

**ORDER GRANTING PLAINTIFF'S MOTION FOR
ENTRY OF DEFAULT JUDGMENT AND PERMANENT INJUNCTION
AGAINST DEFENDANT MARK FREDENBURG,
AN INDIVIDUAL AND d/b/a COMPUTER TECHS**

This matter having been opened to the Court by plaintiff Microsoft Corporation, through its attorneys Montgomery, McCracken, Walker & Rhoads, LLP, for an Order for an entry of default judgment and permanent injunction against defendant Mark Fredenburg, an individual and d/b/a Computer Techs (“Defendant”), and the Court having considered the papers submitted by the parties, and having heard argument, if any, and good cause having been shown;

IT IS, on this 15th day of Feb, 2007 ORDERED

that plaintiff Microsoft Corporation's motion is **GRANTED**; and

IT IS FURTHER ORDERED that Defendant is:

(a) liable to Microsoft for the willful infringement of the following copyrighted works:

- (1) TX 5-407-055 (“Windows XP Professional”);
- (2) TX 5-329-272 (“Office XP Professional”);
- (3) TX 5-321-421 (“Office Access 2002”);
- (4) TX 5-213-231 (“Office Excel 2002”)
- (5) TX 5-321-422 (“Office Outlook 2002”);
- (6) TX 5-321-232 (“Office PowerPoint 2002”);
- (7) TX 5-321-425 (“Office Word 2002”);
- (8) TX 5-321-423 (“Office FrontPage 2002”);
- (9) TX 5-800-362 (“Money 2004”); and

(b) liable to Microsoft for willful trademark infringement under federal law, 15 U.S.C. § 1114 et seq., resulting from their use in commerce of Microsoft’s trade dress and use and imitation of the following Trademarks and/or Service Mark Registration Numbers:

- (1) 1,200,236 (“MICROSOFT”);
- (2) 1,256,083 (“MICROSOFT”);
- (3) 1,872,264 (“WINDOWS”);
- (4) 1,815,350 (“COLORED WINDOWS LOGO”);
- (5) 1,816,354 (“WINDOWS FLAG LOGO”);
- (6) 1,475,795 (“POWERPOINT”);
- (7) 1,741,086 (“MICROSOFT ACCESS”);
- (8) 2,188,125 (“OUTLOOK”);

(9) 1,982,562 ("PUZZLE PIECE LOGO"); and
(c) liable to Microsoft for unfair competition under federal law, 15 U.S.C. § 1125, and under the laws of the Commonwealth of Pennsylvania.

IT IS FURTHER ORDERED that plaintiff Microsoft Corporation is hereby awarded judgment against Defendant, as follows:

a.	Statutory Damages	\$ 1,070,000.00
b.	Attorneys' Fees	\$ 23,385.22
c.	Costs	<u>\$ 552.34</u>
Total Judgment		<u>\$ 1,093,937.56</u>

This judgment shall accrue interest, compounded annually, pursuant to 28 U.S.C. § 1961.

IT IS FURTHER ORDERED that the Defendant, his officers, agents, servants, employees, and attorneys, and all those acting in concert or participation with them shall be, and hereby are, PERMANENTLY ENJOINED and restrained from:

(a) imitating, copying, or making any other infringing use or infringing distribution of software programs, components, end user license agreements ("EULA"), certificates of authenticity ("COA"), or items protected by Microsoft's registered trademarks and service mark, including, but not limited to, the following Trademark and/or Service Mark Registration

Numbers:

- (1) 1,200,236 ("MICROSOFT");
- (2) 1,256,083 ("MICROSOFT");
- (3) 1,872,264 ("WINDOWS");

- (4) 1,815,350 ("COLORED WINDOWS LOGO");
- (5) 1,816,354 ("WINDOWS FLAG LOGO");
- (6) 1,475,795 ("POWERPOINT");
- (7) 1,741,086 ("MICROSOFT ACCESS");
- (8) 2,188,125 ("OUTLOOK"); and
- (9) 1,982,562 ("PUZZLE PIECE LOGO");

or the software programs, components, EULA, items or things protected by the following

Certificate of Copyright Registration Numbers:

- (1) TX 5-407-055 ("Windows XP Professional");
- (2) TX 5-329-272 ("Office XP Professional");
- (3) TX 5-321-421 ("Office Access 2002");
- (4) TX-5-213-231 ("Office Excel 2002")
- (5) TX 5-321-422 ("Office Outlook 2002");
- (6) TX 5-321-232 ("Office PowerPoint 2002");
- (7) TX 5-321-425 ("Office Word 2002");
- (8) TX 5-321-423 ("Office FrontPage 2002"); and
- (9) TX 5-800-362 ("Money 2004");

or any other work now or hereafter protected by any of Microsoft's trademarks or copyrights;

(b) manufacturing, assembling, producing, distributing, offering for distribution, circulating, selling, offering for sale, advertising, importing, promoting, or displaying any software program, component, EULA, COA, item or thing bearing any simulation, reproduction, counterfeit, copy, or colorable imitation of any of Microsoft's registered trademarks or service

mark, including, but not limited to, the Trademark and Service Mark Registration Nos. listed in Paragraph (a) above;

(c) using any simulation, reproduction, counterfeit, copy, or colorable imitation of Microsoft's registered trademarks or service mark including, but not limited to, the Trademark and Service Mark Registration Nos. listed in Paragraph (a) above, in connection with the manufacture, distribution, offering for distribution, sale, offering for sale, advertisement, promotion, or display of any software, component, EULA, COA, item or thing not authorized or licensed by Microsoft;

(d) using any false designation of origin or false description which can or is likely to lead the trade or public or individuals erroneously to believe that any software, component, EULA, item, or thing that has been manufactured, produced, distributed, offered for distribution, advertised, promoted, displayed, licensed, sponsored, approved, or authorized by or for Microsoft, when such is not true in fact;

(e) using the names, logos, or other variations thereof of any of Microsoft's copyright and/or trademark-protected software programs in any of Defendant's trade or corporate names;

(f) engaging in any other activity constituting illegal distribution of any of Microsoft's software, component, EULA, COA, item, or thing and/or engaging in any other activity consisting of an infringement of any of Microsoft's trademarks, service mark and/or copyrights, or of Microsoft's rights in, or right to use or to exploit these trademarks, service mark, and/or copyrights, or constituting any dilution of Microsoft's name, reputation, or goodwill; and

(g) assisting, aiding, or abetting any other person or business entity in engaging in or performing any of the activities referred to in paragraphs (a) through (f) above.

IT IS SO ORDERED.



The Honorable Gary L. Lancaster
UNITED STATES DISTRICT JUDGE